

Application No. 10/020,251  
Amendment dated December 21, 2005  
Reply to Office Action of September 14, 2005

Docket No. CM01990K

**Amendment to the Claims:**

This listing of claims will replace all prior versions, and listing, of claims in the application.

**Listing of Claims:**

1. (original): A communication device for use behind the ear, comprising:  
a housing having a first section and a second section; and  
a sound delivery tube coupled to the second section of the housing,  
wherein the second section of the housing rotates with respect to the first section of the housing within a prescribed range of angular displacement as to allow user-definable depth adjustability of at least a portion of the sound delivery tube into an ear canal.
2. (original): The communication device of claim 1 wherein the prescribed range of angular displacement allows up to approximately fifteen degrees of angular displacement on at least one side of a neutral axis.
3. (original): The communication device of claim 1 wherein the first section of the housing rotates with respect to the second section of the housing within a second prescribed range of angular displacement.
4. (original): The communication device of claim 3 wherein the second prescribed range of angular displacement allows up to approximately fifteen degrees of angular displacement on at least one side of a neutral axis.
5. (original): The communication device of claim 3 wherein the rotation of the first section of the housing with respect to the second section of the housing and the rotation of the second section of the housing with respect to the first section of the housing occurs in tandem.

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6. (original): The communication device of claim 3 wherein the rotation of the first section of the housing with respect to the second section of the housing is independent from the rotation of the second section of the housing with respect to the first section of the housing.

7. (original): The communication device of claim 3 wherein the rotation of the first section of the housing with respect to the second section of the housing is dependent on the rotation of the second section of the housing with respect to the first section of the housing.

8. (original): The communication device of claim 1 wherein a position of the sound delivery tube is maintained via friction.

9. (original): The communication device of claim 1 wherein the sound delivery tube comprises an eartip, and the eartip assists in maintaining concentricity of at least a portion of the sound delivery tube with respect to an ear canal axis.

10. (original): The communication device of claim 1 further comprising a pivot, and wherein a position of the sound delivery tube is maintained via indexes in the pivot.

11. (original): The communication device of claim 1 further comprising a pivot axis perpendicular to a pivot plane, wherein the pivot plane does one of the following: intersects an ear canal axis, lies within approximately fifteen degrees above the ear canal axis, and lies within fifteen degrees below the ear canal axis.

12. (original): The communication device of claim 11 further comprising an intersecting axis on the pivot plane.

13. (original): The communication device of claim 11 wherein the pivot axis couples the first section of the housing with the second section of the housing.

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14. (original): The communication device of claim 1 further comprising electronic circuitry connected to at least one of the first section and the second section of the housing.

15. (original): The communication device of claim 1 wherein the sound delivery tube is flexible.

16.(original): The communication device of claim 1 wherein the sound delivery tube is semi-rigid.

17. (original): The communication device of claim 1 wherein the sound delivery tube is constructed from a material selected from a group consisting of: rubber and plastic.

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18. (original): A method comprising the steps of:

providing a housing having a first section and a second section;  
providing a sound delivery tube coupled to the second section of the housing; and  
rotating the second section of the housing with respect to the first section within a  
prescribed range of angular displacement as to allow user-definable depth adjustability of at least  
a portion of the sound delivery tube into an ear canal.

19. (original): The method of claim 18 further comprising the step of maintaining concentricity  
of at least a portion of the sound delivery tube with respect to an ear canal axis.